10/9/69

Dear Paul and Gary,

The attached memo is being sent you two only. I will tell Bud about its contents or give him a copy Saturday or Sunday, when I expect him here. We conferred yesterday on the suit he is filing for me, agreeing on everything for which we will file except the Archives. He will go over my file of Archives correspondence and select the minimum from that. He will file, simultaneously, against DJ, SS and Arch, in some cases for the identical records.

I want any opinions, suggestions and conjectures you may have as soon as possible, for I want to pursue this further as rapidly as safely possible. In Gary's case, this cannot be very soon because he is in Dallas. However, I also want you to tell no one of it, for any leak would risk the success of further search and inquiry. I also feel there must be more material of this sort that Rowley transferred and I want to learn what this could or does include.

There was little time left for other investigation. The files, partly examined a long time ago, are of such awful copies that I had to give it up because my eyes would not take any more. I have no lunch and planned to skip supper, too, in order to spend more time there. My eyes were so strained I did not ask for other files when I finished these.

Simmons chatted briefly about a word-by-word comparison Paul has asked. He is making some copies for Paul. He made joking reference to Paul's use of the word "Truncated", for in his limited vocabulary, it was to him unusual. It seems as though there is something (FBI) of 23 pages, part of which is withheld but also rpinted as an exhibit. He seems to be engaged in copying an order for Paul.

At my suggestion, after some discussion and persuasion and after I showed him new documents, Bud has agreed to expand what we'll ask the DJ for to the Ray/British proceedings and the memo or transfer (originally agreed to) and the spectro and all records of weighing and weight of 399 and fragments. This, I believe, and I think he agrees, will enable us to call at least Gallagher and Frazier as witnesses and to prove that the fragments did not come from 399 and everybody knew it. I can now account for all the missing metal without any fragmentation, as in various ways I have already indicated to you, and I have a statement signed by Hoover that the bullet was weighed as soon as it reached the lab, hence before any samples were removed for spectrographic analysis, which I am satisfied is erroneous. There were <u>two</u> samples removed for spectro. These and the normal loss of about a half grain in the barrel account for all that can be considered missing. Because I pressed him, Bud phoned the DJ lawyer, Celle, who had phoned him asking us to hold off, to ask about the letter promised about a month ago. Celle said he just hadn't been able to get to it. Bud was for this reason going to file immediately, but I persuaded him to delay long enough to file against all simultaneously, to give them more chance to delay or respond, and to include the request for the weight to the DJ (I had already been refused by Arch). I also want to eliminate the possibility of any technical answer, such as not exhausting all administrative remedies, even though I interpret the law not to require but to permit appeals...This is all I now have time for. I'll do brief memos on the files I glanced at and from which I ordered about 20 pages, which will be mailed to me. I did get one other thing from Simmons: They once found a box with the slip or paper and clips used to mark for copying in the bottom of the box, explaining omissions.